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September 25, 2009

Hon. Theodore H. Katz
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

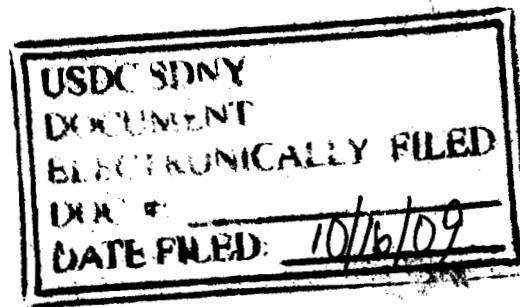
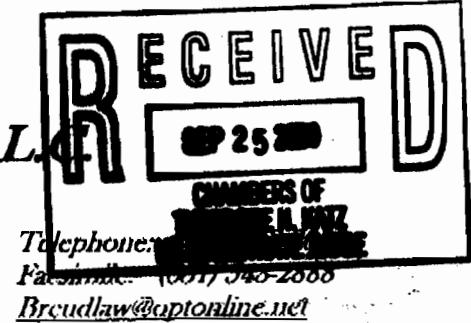
Re: Lindner v. AMEX and Lin
06-cv-3834 (JGK)(THK)

Dear Judge Katz:

This correspondence is respectfully submitted pursuant to Local Civil Rule 1.4 and Rules 1A and C and 3 of Your Honor's Individual Rules to request leave of the Court to be relieved as Plaintiff Peter W. Lindner's ("Plaintiff" and/or "Lindner") counsel of record in regard to the above-referenced matter. The basis for this application is a complete breakdown of the attorney-client relationship and Plaintiff's apparent belief that I am not capable of zealously representing him in the pending litigation.

Earlier today, after several contentious telephone conversations with the Plaintiff over the past ten or so days, I telephoned Mr. Lindner to determine whether he and I had a viable attorney-client relationship. I asked Mr. Lindner whether we had a viable attorney-client relationship and he replied "I don't know."

During the telephone call Mr. Lindner made several statements which demonstrate an absence of trust between Plaintiff and his counsel and, therefore, a complete breakdown of the attorney-client relationship. Those statements include without limitation, that he "didn't trust [me]" and that he "had trusted [me] but that [I] forfeited that trust by messing up." Later, during the conversation, Mr. Lindner asked whether I worked for him or Defendant American Express ("Defendant") and stated that my actions during the course of the representation were as if



"AMEX said we'll pay you \$50,000.00 if you drop this case." Plaintiff's last statement clearly indicated his belief that I was somehow "bribed" by Defendant and, therefore, not capable of zealously representing him and his interests in the pending litigation. At the conclusion of the telephone call I advised Plaintiff that this instant application to be relieved as counsel would follow.

As such, it is respectfully requested that the Court issue an Order relieving the undersigned as counsel to the Plaintiff.

Respectfully submitted,

Albert Adam Breud, II

Albert Adam Breud, II (AB 2355)

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cc: Jean Young Park, Esq. (Via facsimile transmission (212) 808-7897))
Attorney for Defendants

Peter W. Lindner (Via facsimile transmission (212) 979-9647))

Having held a hearing on Plaintiff's
counsel's motion, the motion is denied
without prejudice to renew should
Plaintiff's conduct prevent counsel from
representing him in a professional and ethical manner.

10/15/09 **SO ORDERED**

Theodore H. Katz
THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE